IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 145 OF 2004

Nitin D. Jagtap ...Petitioner

Versus

The Pune Municipal Corporation and Ors. ... Respondents.

Mr. D.A. Nalawade for the petitioner.
Dr. Virendra V.Tulzapurkar, instructed by M/s. Udwadia and Udeshi for respondent Nos. 6 and 7.
Mr. Birendra Saraf with Mr. Jain instructed by M/s. Udwadia and Udeshi for respondent Nos. 8 to 12.

CORAM: **DALVEER BHANDARI, C.J.** & **S.J. VAZIFDAR, J.**
DATE: **AUGUST 31, 2005**.

P.C.

The petitioner has filed this public interest litigation challenging the construction of a commercial complex on a trust land, besides being against the condition imposed by the Government while granting exemption under the Urban Land (Ceiling and Regulation) Act, 1976. The petitioner has prayed that directions be given by this Court to respondent No.1 to revoke and cancel the sanctioned plans (Exhibits-K and L) and to demolish all construction that has been carried out in pursuance of the said sanctioned plans.

2. The petitioner has filed an affidavit on 17th July, 2005. In the

affidavit it is mentioned that the Pune Municipal Corporation has directed the concerned builder to submit a fresh plan. Thus the petitioner's grievance stands partially ventilated. It is also mentioned that the concerned builder has removed most of the objections raised by the petitioner and the Corporation has passed a new plan. It is mentioned that fearing that the petitioner would also challenge the new development plan, respondent No.6 is trying to malign the petitioner. In view of the fact that earlier plan has been cancelled and new plan has been submitted by respondent No.6, the prayers of the petitioner in the petition do not survive. No further directions are necessary. This PIL is accordingly disposed of.

3. We make it clear that we have not adjudicated on the question of the maintainability and locus of the petitioner which has been raised by respondent No.6 in his affidavit.

CHIEF JUSTICE

S.J. VAZIFDAR, J.